

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RANDALL STEVENS,

Plaintiff,

v.

PIERCE COUNTY, et al.,

Defendants.

CASE NO. C22-5862 BHS

ORDER

THIS MATTER is before the Court on the following motions:

- Plaintiff Randall Stevens's motion for reconsideration, Dkt. 33, of the Court's Order, Dkt. 32, granting in part defendants' motion to dismiss, Dkt. 23;
- The parties' stipulated motion for an extension of time for discovery, Dkt. 47;
- Stevens's attorney's motion to withdraw, Dkt. 48;
- The parties' stipulated motion to dismiss defendants Wendy Batchelor, Ashley Chalk, Danielle Seymor, James Githui, Robert Wargacki, Medical Nurse Doe 1, and Naphcare, Inc., Dkt. 51.

Attorney Jackson Millikan's motion to withdraw is based on his claim that Stevens has stopped communicating with him, and that he has not heard from Stevens since

1 October 3, 2023. Dkt. 48 at 2. Millikan had his motion personally served on Stevens, and
2 he asserts that in response, Stevens told him by email that he was homeless, in Oregon.
3 Dkt. 49 at 3 and 8. At the same time, Millikan informed defendants' counsel, Ross
4 Taylor, that Stevens had authorized him to sign a stipulated order of dismissal as to "all
5 claims/defendants that accrued in the second jail stint." Dkt. 50 at 2. The parties'
6 stipulated motion for dismissal of some claims and defendants is apparently based on this
7 authorization.

8 However, it is not at all clear to the Court that Stevens has agreed to the dismissal
9 of a subset of his claims, or that he agreed to effectively withdraw or moot his pending
10 motion for reconsideration. There is no evidence before the Court that Stevens so agreed.

11 Millikan's motion to withdraw is **GRANTED**. The stipulated scheduling order is
12 **DENIED**, but the trial date and remaining pretrial deadlines are **STRICKEN**. The case is
13 **STAYED** for 60 days, to provide Stevens an opportunity to locate and engage new
14 counsel. Based on counsel's withdrawal, and the basis for it, the Court will not enter the
15 stipulated order of dismissal. That stipulated motion, Dkt. 51, is **DENIED**, without
16 prejudice to re-file. Stevens's motion for reconsideration, Dkt. 33, is **RE-NOTED** for
17 January 26, 2024. Any Reply in support of that motion shall be filed no later than January
18 26, 2024. Attorney Millikan shall use his best efforts to provide a copy of this Order to
19 Stevens.

20 **IT IS SO ORDERED.**

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1 Dated this 14th day of November, 2023.

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4 BENJAMIN H. SETTLE
5 United States District Judge
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